



Control Number: 37875



Item Number: 19

Addendum StartPage: 0

**DOCKET NO. 37875**

**APPLICATION OF CGKC&H #2 RURAL §  
LIMITED PARTNERSHIP d/b/a WEST §  
CENTRAL WIRELESS AND d/b/a RIGHT §  
WIRELESS FOR DESIGNATION AS AN §  
ELIGIBLE TELECOMMUNICATIONS §  
CARRIER PURSUANT TO P.U.C. §  
SUBSTANTIVE RULE 26.418 AND AN §  
ELIGIBLE TELECOMMUNICATIONS §  
PROVIDER PURSUANT TO P.U.C. §  
SUBSTANTIVE RULE 26.417 §**

**PUBLIC UTILITY COMMISSION**

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**ORDER NO. 4  
NOTICE OF APPROVAL FOR DESIGNATION AS  
AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND  
ELIGIBLE TELECOMMUNICATIONS PROVIDER**

**Procedural History**

On January 14, 2010, CGKC&H #2 Rural Limited Partnership d/b/a West Central Wireless and d/b/a Right Wireless (WCW or the Company) filed a combined application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418, as well as designation as an eligible telecommunications provider (ETP) pursuant to PURA<sup>1</sup> § 56.023 and P.U.C. SUBST. R. 26.417. No parties sought intervention in this proceeding. In addition, WCW sought a waiver of P.U.C. SUBST. R. 26.417(c)(1)(A) so that its ETC and ETP applications may be processed simultaneously. WCW is a common carrier as defined in 47 U.S.C. § 153(1) and a telecommunications providers as defined in PURA § 51.002(10). WCW is a facilities based provider of Commercial Mobile Radio Service (CMRS). WCW provides traditional cellular services under the name West Central Wireless. Additionally the Company provides pre-paid cellular services throughout the service area using the same facilities under the name Right Wireless.

WCW seeks to amend its current ETC/ETP designation by expanding services to the (1) entire rural telephone company study area of Central Texas Telephone Cooperative, Inc.; (2) throughout the three Verizon wire centers that make up the San Angelo Exchange (SANGTXXA, SANGTXXB, SANGTXXG); (3) Winters wire center of the non-rural carrier

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<sup>1</sup> The Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001–66.016 (Vernon 2007 & Supp. 2009) (PURA).

Verizon; (4) Ballinger wire center of the non-rural carrier Verizon; and (5) Goldthwaite wire center of the non-rural carrier Verizon. In addition, WCW seeks to expand its designated area to include the remainder of the Verizon Menard Exchange.

On January 19, 2010, the Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and publication of notice in the *Texas Register*. Notice was published in the *Texas Register* on January 29, 2010. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later.

On January 21, 2010, February 26, 2010, and March 2, 2010, the Applicant provided supplemental information to the application. On March 2, 2010, Commission Staff filed its final recommendation requesting administrative approval of WCW's application for an amendment to its existing ETC and ETP designations in Texas to incorporate certain wire centers of the non-rural ILEC Verizon and the entire study area of the rural ILEC Central Texas Telephone Cooperative, Inc. based on the following:

**Designation as Eligible Telecommunications Carrier**

To qualify for ETC status, a carrier must meet the following criteria:<sup>2</sup>

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA), Section 3(10).
2. The carrier must offer the following services<sup>3</sup> using its own facilities<sup>4</sup> or a combination of its own facilities and the resale of another carrier's services:
  - (a) voice grade access to the public switched network;
  - (b) local usage;
  - (c) dual tone multi frequency signaling or its functional equivalent;
  - (d) single party service or its equivalent;
  - (e) access to 911 or enhanced 911;

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<sup>2</sup> 47 C.F.R. § 54.201(b)-(d).

<sup>3</sup> 47 C.F.R. § 54.101.

<sup>4</sup> 47 C.F.R. § 54.201.

- (f) access to operator services;
  - (g) access to interexchange service;
  - (h) access to directory assistance; and;
  - (i) toll limitation for qualifying low income customers.
3. The carrier must advertise the availability of the above services and charges for the services in a media of general distribution.<sup>5</sup>
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.<sup>6</sup>
5. Before designating an additional ETC for an area served by a rural telephone company, the Commission must find that the designation is in the public interest.

WCW has also committed to meeting the additional requirements in 47 C.F.R. 54.202(a)(1)(i), which apply to the designation of ETCs by the Federal Communications Commission.

WCW meets all of the requirements to be designated as an ETC.

**Designation as Eligible Telecommunications Provider**

To qualify for ETP status a carrier must meet the following criteria:

1. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(I) requires carriers applying for ETP status to meet the definition of a telecommunications provider as defined in PURA § 51.002(10). WCW meets this definition.
2. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to 47 U.S.C. § 214(e). ETC and ETP designations are being handled concurrently in this docket.
3. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires carriers to specify the small or rural incumbent local exchange company (ILEC) service area in which they

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<sup>5</sup> 47 C.F.R. § 54.201.

<sup>6</sup> 47 C.F.R. § 54.405.

propose to be an ETP. WCW seeks to expand its existing designation to the (1) entire rural telephone company study area of Central Texas Telephone Cooperative, Inc.; (2) throughout three wire centers that make up the San Angelo Exchange (SANGTXXA, SANGTXXB, SANGTXXG) of the non-rural carrier Verizon; (3) Winters wire center of the non-rural carrier Verizon; (4) Ballinger wire center of the non-rural carrier Verizon; and (5) Goldthwaite wire center of the non-rural carrier Verizon. Additional, WCW seeks to expand its designated area to include the remainder of the Verizon Menard wire center.

4. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires applicants for ETP status to show that they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the Texas High Cost Universal Service Provider or small and rural ILEC service area for which the carriers seek ETP status. The designated services required for ETP status are:

- (a) flat rate, single party service, including primary directory listings;
- (b) tone dialing;
- (c) access to operator services;
- (d) access to directory assistance services;
- (e) access to 911 service when provided by local authority;
- (f) dual party relay service;
- (g) ability to report service problems seven days a week;
- (h) availability of annual local directory;
- (i) access to toll services; and
- (j) Lifeline and Link Up services.

WCW meets these requirements.

5. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) also requires applicants to assume the obligation to provide the services required under P.U.C. SUBST. R. 26.403 to any customer. WCW states that it meets and assumes the responsibility to offer the basic services defined in P.U.C. SUBST. R. 26.403 to all customers in its exchanges. WCW meets these requirements.

6. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IV) requires that applicants show they offer the designated services through a means other than total resale. WCW stated that

it will utilize its own equipment as well as AT&T's unbundled network elements to provide local exchange service.

7. P.U.C. Subst. R. 26.417(f)(1)(B)(i)(V) – (VI) requires applicants to show that they have offered continuous service that meets the quality of service standards in P.U.C. SUBST. R. 26.52 - 26.54, and that they offer Lifeline and Link-Up services in compliance with P.U.C. SUBST. R. 26.412. WCW meets these requirements.
8. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VII) requires applicants to advertise the availability of, and charges for, the designated services using media of general distribution. WCW meets this requirement.
9. P.U.C. SUBST. R. 26.417(d)(2) provides that the Commission may designate an additional ETP in a small or rural ILEC study area if it is in the public interest. WCW meets the public interest requirement to be designated as an ETP.

WCW has also committed to offering the required designated services at a rate not to exceed 150% of the ILEC's tariffed rate in the same designated areas pursuant to the requirements of P.U.C. SUBST. R. 26.417(c)(1)(B).

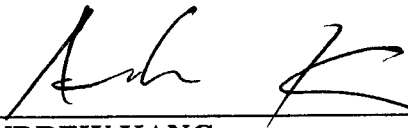
Commission Staff's analysis of the application concludes that WCW meets the requirements established by P.U.C. SUBST. R. 26.417 for designation as an ETP.

#### **Ordering Paragraph**

In accordance with Commission Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, CGKC&H #2 Rural Limited Partnership d/b/a West Central Wireless and d/b/a Right Wireless' application for ETC designation, as amended, is **APPROVED**. Pursuant to PURA § 56.023 and P.U.C. SUBST. R. 26.417, CGKC&H #2 Rural Limited Partnership d/b/a West Central Wireless and d/b/a Right Wireless' application for ETP designation, as amended, is **APPROVED**.

SIGNED AT AUSTIN, TEXAS on the 8<sup>th</sup> day of March 2010.

PUBLIC UTILITY COMMISSION OF TEXAS

  
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ANDREW KANG  
ADMINISTRATIVE LAW JUDGE

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